

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
WINCHESTER DIVISION**

**FILED**

2012 APR 13 P 1:05

U.S. DISTRICT COURT  
EASTERN DIST. TENN.

BY: [Signature] CLERK

No. 4:12-cv-26  
**JURY DEMAND**

*Mattice Carter*

**MARVIN OWENSBY,**

**Plaintiff,**

**v.**

**COFFEE COUNTY HOSPITAL GROUP,  
INC., d/b/a/ MEDICAL CENTER OF  
MANCHESTER,**

**Defendant.**

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**COMPLAINT**

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Plaintiff, MARVIN OWENSBY, respectfully shows to this Honorable Court as follows:

1. Plaintiff, MARVIN OWENSBY, is a citizen and resident of Coffee County, residing at 10074 Hillsboro Highway, Hillsboro, Tennessee, 37342.
2. Defendant, COFFEE COUNTY HOSPITAL GROUP, INC., d/b/a/ MEDICAL CENTER OF MANCHESTER, (hereinafter Medical Center of Manchester) is a for-profit hospital doing business in the State of Tennessee. Its registered agent for service of process is J. S. Rogers, 100 N. Spring Street, Manchester, TN 37355.
3. Jurisdiction in this action is founded upon 29USC§626(b), (c), and 29USC§216(b).
4. At all times material hereto Defendant was engaged in an industry affecting commerce and had 20 or more employees for each working day in each of 20 or more calendar weeks in the then current or preceding calendar year.

5. On April 29, 2010, Plaintiff was a 62 year old man who was a valuable employee of the Medical Center of Manchester. He was hired on February 19, 2008, and worked thereafter as a Lab Tech, managing the stressful night shift by himself. On April 29, 2010, with no warning, Plaintiff was informed that he was being terminated from his position due to "lack of work."
6. Immediately thereafter, Plaintiff was replaced as the night shift lab tech by a younger employee.
7. At all times, Plaintiff performed all duties assigned to him in a professionally competent manner and abided by all the rules and regulations of Defendant.
8. Plaintiff's age was an ultimate issue and a determining factor in Defendant's decision to terminate Plaintiff as a lab tech and therefore adversely affected Plaintiff.
9. Defendant's actions violated the provisions of T.C.A. §4-21-401 and 29 U.S.C. §623 (a)(1), which make it unlawful for an employer to discharge any individual or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age.
10. On or about June 4, 2010, Plaintiff filed charges alleging unlawful discrimination on the basis of age against Defendant with the Equal Employment Opportunity Commission, as required by 29 U.S.C. §626(d). Plaintiff received a Dismissal and Notice of Rights from the EEOC dated January 19, 2012.
11. Proximately, directly and solely as a result of Defendant's discrimination against Plaintiff on account of his age, Plaintiff Owensby has suffered damages consisting of loss of salary and other compensation, and injuries from embarrassment, humiliation and anxiety.

WHEREFORE, Plaintiff prays:

- A. For all monetary damages to which he is entitled including compensatory damages, punitive damages and statutory liquidated damages.
- B. For a reasonable attorney's fee and the costs of this action to be taxed against Defendants.
- C. For a jury to try this cause.
- D. For such other and further relief to which Plaintiff may be entitled.

Respectfully submitted,

GALLIGAN & NEWMAN

By: \_\_\_\_\_



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We are sureties for all costs of this cause  
awarded against the principal.

By: \_\_\_\_\_

